



Appeal Decisions

Hearing held on 8 July 2025

Site visit made on 8 July 2025

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 11th September 2025

Appeal Ref: APP/X1925/W/25/3362553

Land at New Pound Farm, East Side of Old Hale Way, Hitchin SG4 0SA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Bruce Parker against the decision of North Hertfordshire District Council.
 - The application Ref is 24/02009/FP.
 - The development proposed is erection of a detached farm workers dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. In the interests of clarity, I have taken the description of development above from the planning application form. This description of development along with the information submitted with the planning application and the further explanation provided at paragraph 3.2 of the Appellant's Statement of Case clearly identifies that the proposal is for a farm worker's dwelling to provide tied accommodation for an agricultural worker to reside on the site in association with the agricultural use of the site. The Council has clearly considered the proposal on this basis and as such so must I.

Main Issues

3. The main issues in this case are:
 - whether the appeal site is grey belt land and whether or not the proposal would be inappropriate development in the Green Belt having regard to the Framework, and any relevant development plan policies;
 - the effect of the development on the openness of the Green Belt; and,
 - if the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, including whether there is an essential need for a dwelling to accommodate a rural worker, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether it would be inappropriate development

4. There is no dispute between the parties that the appeal site is within the Green Belt. The Framework states at paragraph 153 that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. This approach is also identified through Policy SP5 of the North Hertfordshire Local Plan 2011-2031 (LP) which states that development proposals will only be permitted in the Green Belt, where they would not result in inappropriate development or where very special circumstances have been demonstrated.
5. The appellant contends that whilst the proposal would not comprise of any of the exceptions set out under paragraph 154 of the Framework, the proposal would accord with the requirements of paragraph 155 and therefore would not be inappropriate development.
6. Paragraph 155 states that the development of homes in the Green Belt should not be regarded as inappropriate where four criteria are complied with, including, that
 - a. the development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan, b. there is demonstrable unmet need for the type of development proposed, c. the development would be in a sustainable location and d. where applicable the development proposed meets the 'Golden Rules'.
7. There is no dispute between the parties that the proposal would not represent major development and that as a result the Golden Rules requirement is not applicable in this case. I therefore must consider whether the appeal proposal would meet criteria a, b and c.

Grey belt

8. In order for the appeal proposal to be considered under paragraph 155, the appeal site must meet the definition of grey belt. The Framework defines grey belt as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to three of the five purposes of Green Belt, as set out in paragraph 143 of the Framework. That is (a) to check the unrestricted sprawl of large built-up areas; (b) to prevent neighbouring towns from merging into one another; and (d) to preserve the setting and special character of historic towns.
9. There is no dispute between the parties that the appeal site does not strongly contribute to the prevention of neighbouring towns from merging or the preservation of the setting and special character of an historic town. Based on the evidence before me and my site visit, I can see no reason to disagree. A key issue remaining in dispute is therefore whether the appeal site strongly contributes to checking the unrestricted sprawl of large built-up areas. The large built-up area in question is Hitchin.
10. The appeal site sits to the rear of an existing agricultural building, adjacent to the allotments and is situated only a short distance from dwellings that front on to Old Hale Way which forms a residential area on the edge of Hitchin. The appeal site is therefore near to the large built up area.

11. The Council refers to its North Hertfordshire Green Belt Review July 2016 (GBR) which identifies that parcel 13, in which the appeal site is located, plays a significant role in preventing sprawl northward of Hitchin. I agree with the conclusions of the GBR that the wider parcel does play a significant role in respect of purpose (a).
12. However, the appeal site is limited in size and only represents a very small part of the wider parcel. The proposed dwelling would be located to the rear of an existing building on an existing hard surfaced area. A low level earth bund separates the yard area from the more open agricultural land to the north. Mature trees and vegetation alongside the river bounds the site to the east and well-established vegetation separates the appeal site from the Buzzworks Discovery Centre and allotments to the south. The appeal site is therefore contained within these established boundary features. For the above reasons I find that the appeal site makes only a moderate contribution towards checking the unrestricted sprawl of large built up areas.
13. I have not been referred to any policies relating to the areas or assets in footnote 7 of the Framework (other than Green Belt) that would provide a strong reason for refusing or restricting development. I therefore find that the appeal site would constitute grey belt in line with the definition provided in the Framework.

Purposes (taken together) of the remaining Green Belt

14. The second requirement of paragraph 155 a. is that the development would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan. There is no dispute between the parties that the proposal would not be at odds with paragraph 143 (e) which relates to assisting urban regeneration. Nevertheless, I find that the appeal proposal would run counter to the purpose set out in paragraph 143 (c) which is to assist in safeguarding the countryside from encroachment.
15. Whilst the appeal site is currently a hard surfaced area, it relates to an agricultural use and is currently devoid of built development, other than small scale structures such as an existing storage container and a water tank. The site is visually linked to the adjacent agricultural building and the agricultural land to the north and is more rural in character. I therefore find there would be some encroachment of built form into the countryside as a result of the appeal proposal.
16. However, the location of the site adjacent to the existing agricultural building, the limited size of the site and its containment, means that the effect would be localised and as such would be limited in the wider context. I do not consider that the site plays a strategic role in the functioning of the Green Belt, consequently the appeal proposal would not affect the ability of the remaining Green Belt across the area of the plan from serving all five of the Green Belt purposes in a meaningful way. Therefore, taking my conclusions on both grey belt and the remaining Green Belt purposes into account, the appeal proposal would comply with paragraph 155 a. of the Framework.

Unmet need

17. The Council has confirmed that the current housing land supply stands at 3.9 years, falling below the five year land supply requirement. As a result, there is no

dispute between the parties that there is an unmet need for housing in the Council's area.

18. However, the appeal proposal is for a farm worker's dwelling which is a specific type of development. It would provide a dwelling which would be extremely limited in terms of the occupants that could reside in it and it would not be available to the vast majority of the population.
19. I have not been provided with any evidence that there is a demonstrable unmet need for rural worker's dwellings across the Council area. Consequently, I find that the proposal would not accord with the requirements of 155 b. of the Framework.

Location

20. The appeal site is within easy walking distance of services, facilities, schools and bus services, and reasonable opportunities would be available to maximise the use of sustainable transport modes. The scheme would therefore contribute to the Framework's aim to actively manage patterns of growth in support of sustainable transport objectives. As such, the development would be locationally sustainable. Paragraph 155 c. of the Framework would therefore be complied with.

Conclusion on whether the proposal would be inappropriate development

21. Whilst I have found that the proposal would comply with criteria a and c set out under paragraph 155 of the Framework, I do not find that it would comply with criterion b. As such, I find that the proposal would be inappropriate development in the Green Belt. As a result, the proposal would be contrary to Policy SP5 of the LP, the aims of which are set out above, unless very special circumstances have been demonstrated. I will return to this matter later.

Effect on openness

22. The essential characteristics of Green Belts are their openness and their permanence. Openness is the absence of development, and it has both spatial and visual aspects.
23. The appeal proposal comprises a detached part single and part two storey dwelling which would be situated to the rear of an existing agricultural building within an existing yard area. The appeal site is situated to the north of the existing allotments, with agricultural land to the north and a woodland area to the east. To the west and south of the allotments is existing residential development. The appeal site is beyond but adjacent to the settlement of Hitchin. The village of Ickleford is also in close proximity to the appeal site.
24. Whilst the nearby residential development is visible from the appeal site, the separation between them and the existing characteristics of the site mean that it appears as being outside of the settlement and more visually connected to the countryside, particularly given its current agricultural use.
25. The introduction of a dwelling along with any associated domestic paraphernalia on an area which currently does not house any buildings, or domestic features would inevitably impact upon spatial openness.
26. The existing hardstanding that forms the existing yard area is at ground level and as such, it has very little effect upon the visual openness of the Green Belt in this

location. The proposal would result in development above ground level and as a result it would be visually more imposing than the current situation. The mass and scale of the development, being part two storey and part single storey, would be visible in localised public views from Old Hale Way, the network of public footpaths, the adjacent access road and from the allotments. Whilst some views would be more limited given the proposed positioning to the rear of the existing agricultural building and due to the presence of vegetation, the appeal proposal would nonetheless result in a noticeable reduction in visual openness. I consider the harm to openness would be moderate and localised.

27. In conclusion, I find that the proposal would result in permanent harm to the openness of the Green Belt.

Other considerations

28. Policy SP2 of the LP identifies where new homes will be supported, within the adjusted settlement boundaries of the towns, such as Hitchin, and a number of villages, including Ickleford, subject to certain criteria. The Council identify that the appeal site sits outside of the settlement boundaries for Hitchin and Ickleford. Therefore, there is no support under the Council's settlement hierarchy or approach to the spatial distribution of new homes for a dwelling on the appeal site.
29. Policy CGB3 of the LP, which relates to rural workers' dwellings is referred to by both parties. This policy sets out a number of different matters that need to be demonstrated to support the provision of isolated new homes in the countryside for rural workers, including that there is an existing functional need. This approach largely reflects paragraph 84 a) of the Framework which provides support for isolated homes in the countryside, where there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near to their place of work in the countryside.
30. Whilst the terms essential and functional need are referred to in the different national and local policies, the appellant refers to persistent need. To my mind, in the context of the various evidence before me, all wording appears to refer to a need for one or more workers to be available at all times in order to sustain the business, ensuring the effective operation of a rural based enterprise. In the interests of clarity and for consistency, I will refer to 'essential need'.
31. I agree with the appellant that whilst the appeal site is located in the countryside it is not isolated in terms of the Framework test, given its proximity to the edge of Hitchin and to other built form. Nevertheless, I do not find that the lack of isolation precludes the Council from applying a similar assessment in terms of demonstrating the need for a rural worker's dwelling, given the description of development provided on the application form and that the appeal site is located outside of a settlement boundary and within the countryside for the purposes of the development plan, where the delivery of new homes would not normally be supported.
32. The last section of Policy CGB3 of the LP states that 'where proposals are for development that would be inappropriate in the Green Belt, this policy will be used to help consider and assess any case of very special circumstances'. I therefore consider that the tests set out in Policy CGB3 are relevant as a guide in considering whether it has been demonstrated that there is an essential need for a rural worker's dwelling at the appeal site.

33. The appellant confirmed at the hearing that the land was purchased in 2018 and that up until that time it was not in active agricultural production. Since purchasing the land, the appellant has constructed an agricultural building on the site, along with siting a storage container and water tank to the rear within the yard area. The appellant has put part of the land to use as an orchard, some is in use for growing willow trees for the production of cricket bats and a small area is in use as allotments. Based on the evidence before me I do not find that any of the current uses of the land necessitates the essential need for someone to permanently reside on site to sustain or ensure the effective operation of the business.
34. From both the written evidence and the hearing, it is clear that the appellant wishes to provide the opportunity for someone else, a tenant, to come on to the land and to make use of it in terms of potentially farrowing a small number of pigs and keeping a limited number of chickens. However, I did not witness nor was it confirmed that there is currently any livestock on the site. I have not been provided with any information on the likely number of animals, where they would be housed, when they would be introduced on the site or the nature of any such agricultural business.
35. There is no business plan before me which sets out the aims of the enterprise, the intentions for agricultural production or diversification nor any financial projections and whether it would be viable in the longer term. I am not satisfied, based on the limited information provided, that there would be an essential need for someone to permanently reside on site to sustain or ensure the effective operation of the business in the future.
36. Whilst I accept that there is currently no existing dwelling at the holding, it was confirmed at the hearing that no other alternative options for accommodation within the local area have been considered. Although the appellant suggested that the likely rental figures of properties in Hitchin would be beyond the financial capabilities of a rural worker, there is no substantive evidence before me to demonstrate this.
37. I acknowledge that the appellant has concerns about security, particularly since the outlet on the water tank was damaged in a recent incident. Nevertheless, it was confirmed at the hearing that other surveillance options, such as cameras had been considered but not yet installed. Given other measures to ensure security have not been tested yet, I do not find this consideration to be sufficient to justify a need for someone to live at the appeal site.
38. For the above reasons I find that it has not been demonstrated that there is an essential need for a dwelling at the appeal site to accommodate a rural worker.
39. The appeal proposal would provide a new dwelling on a small site. The appeal site is not isolated, and future occupants would have access to services, facilities, employment and public transport provision. The development would provide some economic benefits during the construction phase and after, in that future occupants would support the local economy. The intention to provide a zero-carbon dwelling that would result in a scheme with sustainability credentials that would be in excess of the minimum requirements would also be a benefit.
40. However, the proposal is for a farm worker's dwelling which would limit significantly who could reside within it. This restriction along with the scale of the

proposal, means that, any benefits would carry only limited weight in favour of the development.

41. The appellant asserts that there would be no detrimental effects on the living conditions of the occupants of neighbouring properties, that the design approach would be appropriate for the area, that sufficient parking, cycle storage and access would be provided, that protected species would not be harmed and that the appeal site would not be at risk of flooding. Even if I were to agree, a lack of harm or policy compliance in these respects are neutral considerations that weigh neither for nor against the proposal.

Green Belt Balance

42. The development would constitute inappropriate development in the Green Belt which is by definition, harmful. Furthermore, there would be moderate harm to the openness of the Green Belt. Paragraph 153 of the Framework states that substantial weight should be given to any harm to the Green Belt.
43. I have found that it has not been demonstrated that there is an essential need for a dwelling at the appeal site to accommodate a rural worker. Taking into account all of the other considerations put forward in support of the proposal, I consider that these attract limited weight in favour of the proposal.
44. Therefore, in considering the substantial weight I must give to the harm to the Green Belt, I conclude that the very special circumstances needed to justify the development in the Green Belt have not been demonstrated. As such, the proposal would be contrary to Policy SP5 of the LP and the Framework, which both seek to protect the Green Belt from inappropriate development.

Other Matter

45. The development would provide a dwelling in an area where the Council is unable to demonstrate a five-year housing land supply. However, I have found that the proposal would harm the Green Belt. Therefore, this is a situation in terms of paragraph 11 (d) (i) of the Framework, where the presumption in favour of sustainable development is not engaged because the application of the policies in the Framework that protect land designated as Green Belt provides a clear reason for refusing the development proposed.

Conclusion

46. The proposal conflicts with the development plan as a whole and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. The appeal is therefore dismissed.

G Dring
INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Fred Quartermain	Thrings Solicitors
Tom Donovan	Peter George Planning
Mr Parker	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Thomas Howe	Planning Officer
Anne McDonald	Development Management Team Leader
Tom Rea	Senior Planning Officer

INTERESTED PARTIES:

Paul Dee	Chair of the Allotment Association
John Nelson	Representing residents of Old Hale Way
Mark Schilling	Representing residents of Bessemer Close